REMARKS

The Office Action mailed May 20, 2004 has been carefully reviewed and the foregoing amendment and following remarks are made in consequence thereof.

Claims 1-20 are pending in this application. Claims 1-19 stand rejected. Claim 20 is objected to.

The rejection of Claims 1-19 under 35 U.S.C. § 103 as being unpatentable over Serbinis et al. (U.S. Pat. No. 6,584,466) "Serbinis" in view of Dworkin et al. (U.S. Pat. No. 6,026,148) "Dworkin" is respectfully traversed.

Serbinis describes a system for managing electronic documents over the Internet that uses an Internet-accessible server programmed to provide document management services, such as, document storage and retrieval, collaborative file sharing and workflow services for electronic documents, an electronic document delivery service, and a document distribution service. These services are supported by a common database system that permits interfaces to the multiple services to be accessed using previously known web browsers, and without a specialized client application. Notably, Serbinis does not describe nor suggest a database that includes error proofing examples or a method of identifying an error proofing technique, for choosing an error proofing technique to fit a given application, or storing an error proofing technique within a database.

Dworkin describes a computer-based system for facilitating exchange of information between users (13) and expert respondents (15) wherein users (13) post questions on a topic to a computer bulletin board or forum, using a telephone (17a, 17b) and modem (3a, 3b) connection to a remote server (5). Experts (15) contact server (5) by telephone (11), and receive a list of questions that have been posted. Experts (15) then dictate answers orally, by telephone (11), and the answers are recorded and stored by the server as sound files. The stored answers can later be played back by users (13) who connect to server (5) through their personal computers. The answers can also be transcribed into text files for viewing by users (13). The system will also provide a list of expert respondents, and the times during which each expert will be available. Notably, Dworkin does not relate to error proofing as is known in the art, as a method of eliminating errors in a process, but rather describes a simple

question and answer message board that does not provide feedback to a process to eliminate errors, but only serves as an automated help desk for users with questions.

Preliminarily, Applicants respectfully submit that Dworkin is nonanalogous art to the present invention as it is clearly directed to an automated answer and question message board. As is known in the art, error-proofing is a manufacturing technique of preventing errors by designing the manufacturing process, equipment, and tools so that an operation literally cannot be performed incorrectly. Applicants respectfully submit that those in the art of designing error proofing techniques and methods to ensure their accuracy and currency would not consider Dworkin to be of consequence to accomplish the objectives of the present invention in light of the unique operating requirements of managing error proofing technique development as compared to the automated message board described in Dworkin. Thus, for at least this reason, Applicant submits that the § 103 rejection is improper and respectfully requests that it be withdrawn.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (MPEP 2143.03). Applicants respectfully submit that neither Serbinis nor Dworkin, considered alone or in combination, describe or suggest the claimed invention. Claim 1 recites a system including "a plurality of clients, each said client comprising a plurality of user interface classes and at least one class that provides access to a database...a server comprising a plurality of servlets, at least some of said servlets providing at least one of a database and server access capability to each said client...said database comprising a plurality of tables, at least one of said tables comprising at least one error proofing example entered by a user and meta-data that describes the at least one error proofing example, at least one of said tables comprising at least one failure mode associated with the error proofing example, the error proofing example, at least one failure mode and meta-data defined by the user when creating the at least one error proofing example, said database accessed by each said client via said server."

Neither Serbinis nor Dworkin, considered alone or in combination, describes or suggests a system that includes a plurality of clients wherein each client includes a plurality of user interface classes and at least one class that provides access to a database, a server that includes a plurality of servlets wherein at least some of the servlets provides at least one of a database and server access capability to each client, and the database includes a plurality of

tables, at least one of the tables including at least one error proofing example entered by a user and meta-data that describes the error proofing example, at least one of the tables including at least one failure mode associated with the error proofing example, the error proofing example, at least one failure mode, and meta-data defined by the user when creating the at least one error proofing example, the database accessed by each said client via said server. Specifically, Neither Serbinis nor Dworkin, considered alone or in combination, describes or suggests a database that includes a plurality of tables wherein at least one of the tables includes at least one error proofing example entered by a user. Moreover, neither Serbinis nor Dworkin, considered alone or in combination, describes or suggests a database that includes at least one table that includes at least one failure mode associated with the error proofing example. Further, neither Serbinis nor Dworkin, considered alone or in combination, describes or suggests that the error proofing example, at least one failure mode, and meta-data are defined by the user when creating the error proofing example. Rather, as stated in the Office Action, Serbinis does not explicitly disclose an error proofing example, and Dworkin merely describes an on-line system in which users post technical questions, and in which those questions may be answered by one or more expert respondents, and/or by other users, and as such, does not describe nor suggest an error proofing example and/or the inclusion of a database.

Accordingly, Serbinis and Dworkin simply do not describe nor suggest any of an error proofing example entered by a user, meta-data entered by the user to describe the error proofing example, failure modes associated with the error proofing example, or that the error proofing example, failure modes and/or meta-data are defined by the user when creating the error proofing example. Therefore, since all of the claim limitations are not taught or suggested by the prior art, the Office action fails to establish prima facie obviousness of the claimed invention.

Furthermore, Applicants respectfully disagree with the assertion within the Office Action that if a user encounters an error during a software installation and posts a question to a bulletin board, and another user or expert answers the question, that the answer is an error proofing example. As is known in the art, error-proofing is a manufacturing technique of preventing errors by designing the manufacturing process, equipment, and tools so that an operation literally cannot be performed incorrectly. Dworkin is not related to the field of error proofing as described in the present specification and claims, that rather, to the extent

understood, Dworkin merely describes an automated question and answer message board. Moreover, a message board is substantially similar to an electronic mail based repository, which the present specification acknowledges exists and which the present specification describes as having significant shortcomings, which the present invention overcomes. Specifically, at page 1, lines 7-14, the present specification states:

> there is no known system for easily documenting, cataloging, and distributing proven error proofing techniques in a rapid and reliable manner.

> An electronic mail based repository of text descriptions of candidate error proofing techniques is known. The error proofing techniques identified in the repository, however, are not necessarily proven, nor is the repository configured for rapid and reliable cataloging and distribution of information related to such techniques.

Moreover, Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to a person having ordinary skill in the art at the time the invention was made to include an error proofing example in the system of Serbinis. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

> [I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147

USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Although it is asserted within the Office Action that Serbinis teaches the present invention except for disclosing an error proofing example, and that Dworkin discloses that a user posts answers on an on-line bulletin board, no motivation nor suggestion to combine the cited art has been shown, and, in particular, no reasonable expectation of success has been shown, because neither Serbinis nor Dworkin describe or suggest a database that includes a plurality of tables wherein at least one of the tables includes at least one error proofing example entered by a user. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection is based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1-19 be withdrawn.

Furthermore, Applicants respectfully submit that no motivation for the combination can be found within Serbinis and Dworkin, as Serbinis and Dworkin teach away from the present invention as well as from each other. Serbinis describes an information management system for dynamically controlling the location, access, and transfer of information between client terminals and servers, but does not describe nor suggest an apparatus or a method for choosing an error proofing technique to fit a given application, storing an error proofing technique within a database or storing failures modes of a process. In contrast to Serbinis, as well as the present invention, Dworkin describes a computer-based system for facilitating exchange of information between users and experts wherein the users post questions on a topic to a computer bulletin board connected to a remote server such that the experts can contact the server, receive a list of questions that have been posted, and respond to the questions by dictating answers orally and storing the answers on the server as sound files., but Dworkin does not describe nor suggest an apparatus or a method for choosing an error proofing technique to fit a given application, or storing an error proofing technique within a database, and does not even describe a database at all. Rather, Dworkin describes an on-line

message board for users to post questions, and experts, and/or other users respond to the questions, and does not even describe a database at all. Moreover, a message board is substantially similar to an electronic mail based repository, which the present specification acknowledges exists and which the present specification describes as having significant shortcomings, which the present invention overcomes. Specifically, at page 1, lines 7-14, the present specification states:

> there is no known system for easily documenting, cataloging, and distributing proven error proofing techniques in a rapid and reliable manner.
>
> An electronic mail based repository of text descriptions of candidate error proofing techniques is known. The error proofing techniques identified in the repository, however, are not necessarily proven, nor is the repository configured for rapid and reliable cataloging and distribution of information related to such techniques.

If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicants respectfully submit that the combination of Dworkin and Serbinis teaches away from the present invention.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Serbinis in view of Dworkin.

Claims 2-12 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-12 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-12 likewise are patentable over Serbinis in view of Dworkin.

Claim 13 recites a method for identifying an error proofing technique for a given application using a web-based system wherein the system includes a plurality of clients including a plurality of user interface classes, a server including a plurality of servlets, and a database including a plurality of tables including at least one example of an error proofing technique entered by a user and user defined meta-data that describes the error proofing example wherein the method includes "entering at least one example of an error proofing

technique by a user...accessing a table containing an error proofing example...storing failure modes in the table associated with the error proofing example...choosing an error proofing technique to fit the given application."
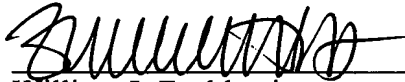
No combination of Serbinis and Dworkin describes nor suggests a method for identifying an error proofing technique for a given application using a web-based system wherein the system includes a plurality of clients including a plurality of user interface classes, a server including a plurality of servlets, and a database including a plurality of tables including at least one example of an error proofing technique entered by a user and user defined meta-data that describes the error proofing example wherein the method includes entering at least one example of an error proofing technique by a user, storing failure modes in the table associated with the error proofing example, accessing a table containing an error proofing example, choosing an error proofing technique to fit the given application. Specifically, no combination of Serbinis and Dworkin describes or suggests a method that includes the step of entering at least one example of an error proofing technique by a user. Moreover, no combination of Serbinis and Dworkin describes or suggests a method that includes the step of choosing an error proofing technique to fit the given application. Rather, as stated in the Office Action, Serbinis does not explicitly disclose an error proofing example, and Dworkin describes an on-line system in which users post technical questions, and in which those questions may be answered by one or more expert respondents, and/or by other users, and does not describe an error proofing example and does not even describe a database at all. Accordingly, for at least the reasons set forth above, Claim 13 is submitted to be patentable over Serbinis in view of Dworkin.

Claims 14-19 depend, directly or indirectly, from independent Claim 13. When the recitations of Claims 14-19 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claims 14-19 likewise are patentable over Serbinis in view of Dworkin.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-19 be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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